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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 54 OF 2002

IN

FIRST APPEAL (ST) NO. 1842 OF 2000

Ajitsing Harnamsingh ...Applicant.

Vs.

Mehmuda Begum ...Respondent.

Mr.Ajitsingh Harnamsingh, applicant present, in person.

CORAM : ANOOP V. MOHTA,J.

DATED : 18th September, 2007

P.C.

1. By order dated 28/08/2007 in Civil Application No. 3698 of 2007 this Court has restored the matter by allowing the application in terms of prayer clauses (a) and (b).

2. By order dated 20/07/2006 as the appellant failed to comply with the conditional order, the matter stood dismissed for want of prosecution. Therefore, present application for condonation of delay.

3. By present application against the judgment and decree passed in S.C. Suit No.8423 of 1989 which was

decided on 24/06/1999 by the Bombay City Civil Court, the appellant has preferred the first appeal on 19/01/2000 with application to condone the delay as he is a Senior Citizen, aged about 81 years and is suffering from High Blood Pressure, therefore, unable to file the present appeal in time.

4. The certificate of illness and the aspect of age remained uncontroverted. One Advocate Mr. Dilip Jain, in fact appeared for respondent on 28/08/2007. Applicant has filed affidavit of service referring to Civil Application No. 54 of 2002 in the first appeal stamp No. 1842 of 2000. None appeared for the respondent today.

5. Taking all this into account and convince that the sufficient cause has been shown by the appellant. The delay in filing the first appeal is condoned.

6. In the result, the application is allowed.

7. Office to place this appeal for admission after due registration, on 09th October, 2007.

8. The appellant who is appearing in person seeks that this Court may pass the order and appoint Mr. Nitin P. Deshpande, Advocate, High Court as his advocate, as he is appearing in other three matters of the applicant. Office to intimate accordingly.

[ANOOP V.MOHTA,J.)